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P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

MICHALSKI, SEAN M

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/799,946

Applicant(s)

WALKER ET AL.

Examiner

Sean M. Michalski

Art Unit

3724

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 28-30, 33-43 and 81-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 28-30, 33-43, and 81-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/14/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Summary of rejections:

Claims 1, 2, 4, 6, 9, 10, 11, 15, 28, and 81-84, 86 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc.

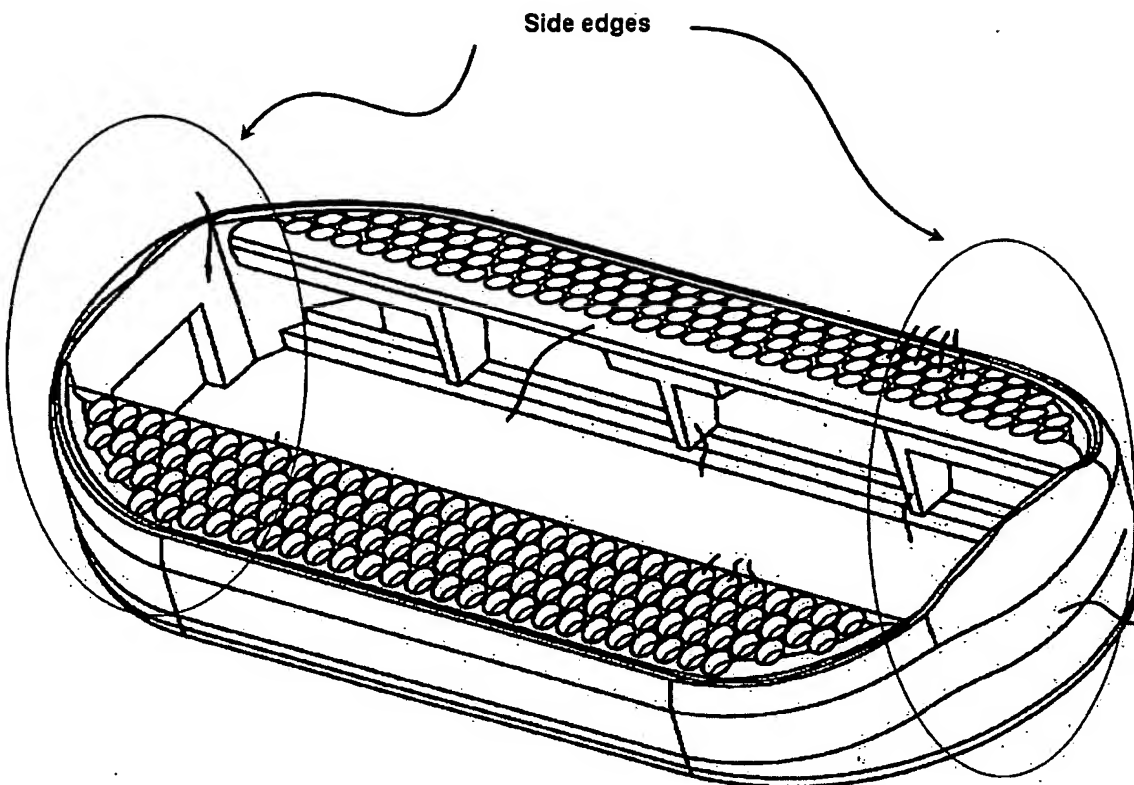
Claims 3, 5, 7, 8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. in view of Rozenkranc in view of Anderson et al. (USPN 5,761,814)

Claims 13, 14, 16-21, 30, 33-43, 85 and 87-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc in view of Anderson as applied to claims 3, 5, 7, 8, and 12 above, and further in view of Parmley.

Claims 22, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc in view of Anderson further in view of Parmley as applied to claims 13-14, 16-21, 30 and 33-43 above, and further in view of Rozenkranc (USPN 6,276,061).

2. Claims 1, 2, 4, 6, 9, 10, 11, 15 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc.

Regarding claim 1, Brown discloses a shaving blade unit (figure 14) comprising: a housing having a front edge (12 on the left, figure 14), a rear edge (12 on the right, figure 14) and side edges (see figure below)



extending between the front and rear edges, the housing defining an aperture (2, figure 13) between the front and rear edges; one or more shaving blades between the front edge and the rear edge (seen in figure 14), the one or more blades having cutting edges arranged to define a cutting region (the "shaving surface" of figure 12 is a cutting region); and a clip arranged to retain the one or more shaving blades on the housing(see clip 16, figure 14), the clip having a leg received by the aperture(the leg of 16 can be seen to depend into the aperture in figure 14), the leg having a bent portion defining a curvature (16 is bent at approximately a 90 degree angle as seen in figure 14) to secure the clip to the housing (the legs of the clip secure it to the housing, as demonstrated in figure 14). Brown et al. discloses a trimming blade assembly (the blades 15 in figure 15 are a trimming blade assembly) retained on the housing by a clip

Art Unit: 3724

wherein a leg of the clip extends through an opening defined by the trimming blade assembly (this is seen in figure 15, the leg depending into an aperture defined by the outside perimeter of the trimming blade assembly).

Brown does not disclose that when the trimming blade assembly is "in contact with a user's skin, the cutting edges of the one or more shaving blades are disposed on a surface facing away from a surface contacting the users skin".

Rozenkranc teaches a trimming blade assembly positioned such that when the trimming blade assembly is "in contact with a user's skin, the cutting edges of the one or more shaving blades are disposed on a surface facing away from a surface contacting the users skin". See figure 3a, which shows this quite clearly. Rozenkranc teaches having a trimming blade 4 face away from a top surface (the top surface being either 5 or 6, since both are proximal to the shaving blades 3 in Rozenkranc). This style of trimming blade is clearly different than the trimming blade as seen in Brown, however it is also prima facie clear from Rozenkranc that the trimming blade of Rozenkranc has separate marketability.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brown by having the trimming blade be oriented in a direction away from the top surface, so that the user would have multiple options when positioning the razor. The motivation to combine the trimming blade of Rozenkranc with the razor of Brown is that by providing multiple options for positioning the razor, an additional level of marketability is added to the razor. It is known that providing additional features is desirable to enhance the marketability of a product. Since the trimming blade of Brown

Art Unit: 3724

is retained by clip, it follows that the clip would still be used to retain the trimming blade when it is reoriented, as per Rozenkranc. See *In re Japikse*, 86 USPQ 70 which held that rearranging the parts of an invention involves only routine skill in the art. Also see *In re Rose* 105 USPQ 237 (CCPA 1955) and also *In re Yount* (36 C.C.P.A. (Patents) 775, 171 F.2d 317, 80 USPQ 141 which show that It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the clip length as necessary to retain all the blades (trimming and shaving) since it has been held that changing the size or range of an article is not ordinarily a matter of invention. Appropriate selection of size, weight, ratios, etc. is considered routine, and is typically a matter of design choice.

Regarding claim 2, Brown et al. further discloses a shaving blade wherein the aperture extends from a top surface to a bottom surface of the housing (in figure 13 the aperture extends from the surface corresponding to the edges of the primary blade structure to the opposite surface).

Regarding claim 4, Brown et al. further discloses that the aperture is between the side edges, as can be clearly seen in figure 13.

Regarding claim 6, Brown et al. further discloses that the leg has a straight portion (the portion of 16 which depends into the housing is straight, as can be seen in figure 14).

Regarding claim 9, Brown et al. further discloses that the clip (16 figure 13) has multiple legs (two legs can be seen depending into the respective apertures (figure 13)).

Regarding claim 10, Brown et al. further discloses that the legs extend through corresponding apertures in the housing, between the front and rear edges. Element 16 depends into the housing at the front and rear, and is seen to have corresponding apertures (one in the front and one in the rear).

Regarding claim 11, Brown et al. further discloses that each of the legs has a bent portion defining a respective curvature (bent portions are seen on element 16 in figure 13).

Regarding claim 15, Brown et al. further discloses multiple clips (column 6 lines 50-56) extending into associated apertures (one set is seen in figure 14, the other is defined by column 6 lines 53-56 to be at the opposite end, not shown). The clips are arranged to retain one or more blades (seen in figure 14), each of the legs having a bent portion (seen in figure 14), which secures the clip to the housing (as seen in figure 14).

Regarding claim 28, Brown et al. discloses a metal clip that was formed by crimping. Crimping is defined as pressing into folds or curves, which is how the clip 16 of Brown was formed.

Furthermore, the method of forming the device is not germane to the issue of patentability of the device itself. The limitation has been given patentable weight, as far as it infers structure in the clip.

Furthermore, in the alternative, crimping metal is both notorious and well known. Examiner takes official notice that making a metal component with bends using the process of crimping (or folding) is well known.

Regarding claims 81-84 and 86, the combination of Brown and Rozenkranc meets the limitations of these claims. The housings of Brown and Rozenkranc both have tops and bottoms, and when the trimming blade assembly is configured as in Rozenkranc, it defines a cutting region mounted along the rear edge of the bottom surface of the housing. (see the figures of Rozenkranc). The cutting blade also then is facing away from the top surface. (see figures 1 and 2A) Since the connection of Brown is by a clip having legs depending into apertures in the housing, it follows that the same method would be applied to the attachment of the obvious addition- the trimming blade of Rozenkranc in addition to the blade carrier of Brown. See also *In re Japikse*, 86 USPQ 70 which held that rearranging the parts of an invention involves only routine skill in the art.

3. Claims 3, 5, 7, 8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. in view of Rozenkranc in view of Anderson et al.(USPN 5,761,814).

Regarding claim 3 Brown et al. does not disclose a shaving blade unit, wherein the leg is bent about at least a portion of the bottom surface of the housing. Brown is silent as to the configuration of the leg at the bottom surface of the housing.

Anderson et al teaches a blade retaining clip which is bent about at least a portion of the bottom surface, as seen in figures 1 and 5.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs bend around a portion of the bottom surface as taught by Anderson, so that the clip is more secure. The

Art Unit: 3724

motivation to combine is that having a bent portion as opposed to a straight portion is a more secure connection.

Regarding claim 5, Brown et al. does not disclose that the leg is bent about at least a portion of a bottom surface of the housing.

Anderson et al teaches a blade retaining clip which is bent about at least a portion of the bottom surface, as seen in figures 1 and 5.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs bend around a portion of the bottom surface as taught by Anderson, so that the clip is more secure. The motivation to combine is that having a bent portion as opposed to a straight portion is a more secure connection.

Regarding claim 7, Brown et al. discloses that the clip has multiple bent portions (at least a front bend and a rear bend, seen in figure 13), but does not disclose that each leg has multiple bent portions.

Anderson teaches that each leg has multiple bent portions (seen in figure 1).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions, as opposed to a single bent portion with a straight portion, is a more secure connection.

Regarding claim 8, Brown et al. does not disclose that the leg has a curvature greater than 90 degrees, but teaches that the curvature is exactly 90 degrees (figure 13).

Art Unit: 3724

The 'curvature' as defined by applicant is the summation of the angles of the bends a leg makes.

Anderson et al teaches legs (seen in figure 1) with a curvature of greater than 90 degrees (figure 1; there are 2 bends, each having an angle of at least 90 degrees, or in the alternative figure 9 shows 2 different bends, the angles of which add to approximately 120 degrees).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends to form a curvature greater than 90 degrees as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions to form a curvature greater than 90 degrees, as opposed to a single bent portion with a straight portion, is a more secure connection

Regarding claim 12, Brown does not teach that each of the legs is bent about a portion of the bottom surface of the housing, but is silent as to their configuration at the bottom surface.

Anderson et al. teaches that each of the legs is bent about at least a portion of the bottom surface (seen clearly in figure 5).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs bend around a portion of the bottom surface as taught by Anderson, so that the clip is more secure. The motivation to combine is that having a bent portion as opposed to a straight portion is a more secure connection.

4. Claims 13, 14, 16-21, 30, 33-43 and 85 and 87-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc in view of Anderson as applied to claims 3, 5, 7, 8, and 12 above, and further in view of Parmley.

Regarding claim 13, Brown et al in view of Rozenkranc in view of Anderson does not teach that the legs have differing curvatures. The structure defined has been composed of metal clips combined with plastic components, so the field of problem solving endeavor with which the invention is concerned is use of metal with plastic. Parmley is a general reference book for all mechanical components, having sections devoted to the problem of connecting plastic and metal, and offers a multitude of examples. Parmley shows asymmetric retaining clips that are adapted to their functions and the structures they connect. This is seen on page 14-9, the circled figure, as well as 20-22 figure 2, figure 8 b and d, as well as the U-clips on page 20-25. The limitation that the legs have differing curvatures lacks criticality in the specification. Clips are made to correspond to and conform around the structures to which they are attached. Since the structure of Brown in view of Anderson is symmetric, it follows that the clips also would be symmetric, and therefore have identical curvatures. If the structure the clip was used to retain however was not symmetrical any person skilled in the art would have adapted the clip of Brown in view of Anderson to conform to the new asymmetrical structure. Furthermore, In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown in view of Anderson by making the

Art Unit: 3724

clips have differing curvatures as taught by Parmley to prevent vibration damage to the razor. The motivation to combine is that Parmley discloses that metal can be disposed in plastic so as to lessen vibrational loosening.

Regarding claim 14, Anderson teaches that each leg have a curvature greater than 90 degrees (this is especially evident in figures 5 or 9; figure 9 shows 2 different bends, the angles of which add to approximately 120 degrees).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends to form a curvature greater than 90 degrees as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions to form a curvature greater than 90 degrees, as opposed to a single bent portion with a straight portion, is a more secure connection.

Regarding claim 16, Brown et al in view of Rozenkranc in view of Anderson does not teach that the legs have differing curvatures. The structure defined has been composed of metal clips combined with plastic components, so the field of problem solving endeavor with which the invention is concerned is use of metal with plastic. Parmley is a general reference book for all mechanical components, having sections devoted to the problem of connecting plastic and metal, and offers a multitude of examples. Parmley shows asymmetric retaining clips that are adapted to their functions and the structures they connect. This is seen on page 14-9, the circled figure, as well as 20-22 figure 2, figure 8 b and d, as well as the U-clips on page 20-25. The limitation that the legs have differing curvatures lacks criticality in the specification. Clips are made to

Art Unit: 3724

correspond to and conform around the structures to which they are attached. Since the structure of Brown in view of Anderson is symmetric, it follows that the clips also would be symmetric, and therefore have identical curvatures. If the structure the clip was used to retain however was not symmetrical any person skilled in the art would have adapted the clip of Brown in view of Anderson to conform to the new asymmetrical structure. Furthermore, In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown in view of Anderson by making the clips have differing curvatures as taught by Parmley to prevent vibration damage to the razor. The motivation to combine is that Parmley discloses that metal can be disposed in plastic so as to lessen vibrational loosening.

Regarding claim 17, Anderson teaches that each leg have a curvature greater than 90 degrees (this is especially evident in figures 5 or 9; figure 9 shows 2 different bends, the angles of which add to approximately 120 degrees).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends to form a curvature greater than 90 degrees as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions to form a curvature greater than 90 degrees, as opposed to a single bent portion with a straight portion, is a more secure connection.

Regarding claim 18, Brown et al. in view of Rozenkranc does not disclose that the leg is bent about at least a portion of a bottom surface of the housing.

Anderson et al teaches a blade retaining clip which is bent about at least a portion of the bottom surface, as seen in figures 1 and 5.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs bend around a portion of the bottom surface as taught by Anderson, so that the clip is more secure. The motivation to combine is that having a bent portion as opposed to a straight portion is a more secure connection.

Regarding claim 19, Brown further discloses that the clips are located in-board of the front, rear and side edges (as seen in figure 14) and are spaced from each other (since the clips are on opposite sides of the housing, and do not intersect, they are spaced from each other).

Regarding claim 20, Brown further discloses that each clip is located adjacent to a respective side edge (as seen in figure 14, and described in the specification column 6 lines 53-56). Brown shows each blade to have a blade length (seen in figure 14, the length from the edge to the back of the blade).

Regarding claim 21 Brown discloses an elastomeric member affixed to the housing (12 figure 14). Brown further discloses that the length of the elastomeric member is greater than the length of the blades (since the elastomeric member extends all around the blade structure, the front and rear sections are much longer than the blade edges; this is seen in figure 14).

Regarding claim 30, Brown et al in view of Rozenkranc in view of Anderson does not teach that the legs have differing curvatures. The structure defined has been

Art Unit: 3724

composed of metal clips combined with plastic components, so the field of problem solving endeavor with which the invention is concerned is use of metal with plastic.

Parmley is a general reference book for all mechanical components, having sections devoted to the problem of connecting plastic and metal, and offers a multitude of examples. Parmley shows asymmetric retaining clips that are adapted to their functions and the structures they connect. This is seen on page 14-9, the circled figure, as well as 20-22 figure 2, figure 8 b and d, as well as the U-clips on page 20-25. The limitation that the legs have differing curvatures lacks criticality in the specification. Clips are made to correspond to and conform around the structures to which they are attached. Since the structure of Brown in view of Anderson is symmetric, it follows that the clips also would be symmetric, and therefore have identical curvatures. If the structure the clip was used to retain however was not symmetrical any person skilled in the art would have adapted the clip of Brown in view of Anderson to conform to the new asymmetrical structure. Furthermore, In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown in view of Anderson by making the clips have differing curvatures as taught by Parmley to prevent vibration damage to the razor. The motivation to combine is that Parmley discloses that metal can be disposed in plastic so as to lessen vibrational loosening.

Regarding claim 34, Brown et al. further discloses that the legs extend through corresponding apertures in the housing, between the front and rear edges. Element 16

Art Unit: 3724

depends into the housing at the front and rear, and is seen to have corresponding apertures (one in the front and one in the rear)

Regarding claim 35, Brown further discloses the apertures are located between the front and rear edges of the housing (seen in figure 14).

Regarding claim 36, Brown further discloses the apertures are located between the side edges of the housing (seen in figure 14).

Regarding claim 37, while Brown in view of Rozenkranc is silent as to the configuration of legs below the primary shaving surface, Anderson teaches multiple bent portions defining the curvature (as seen in figures 5 and 9).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions, as opposed to a single bent portion with a straight portion, is a more secure connection.

Regarding claim 38, Brown teaches having a straight portion. It can be seen in figure 14, depending into the apertures defined in the housing.

Regarding claim 39, Brown teaches the straight portion depending into the housing, but is silent as to its continuing configuration. It would have been obvious to one skilled in the art at the time of the invention to make the straight portions depend straight through the housing, since the applicant does not state any benefit for this arrangement, nor does it solve any stated problem. Anderson shows clips extending to the opposite side of a housing. Clips are made to correspond to and conform around the

Art Unit: 3724

structures to which they are attached. See Brown and Anderson- all figures. Since the structure of Brown in view of Anderson is symmetric and the interior of the cavity of Brown is straight all the way through the housing (seen in figure 13), and the clips of Anderson extend to the opposite side of the housing, it follows that the clips would follow (or approximate) this contour, and therefore be straight all the way through the cavity. Since the structure the clip was retained within was straight, any person skilled in the art would have adapted the clip of Brown in view of Anderson to conform to the straight walled cavity (aperture).

Regarding claim 40, Anderson teaches that each leg have a curvature greater than 90 degrees (this is especially evident in figures 5 or 9; figure 9 shows 2 different bends, the angles of which add to approximately 120 degrees).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends to form a curvature greater than 90 degrees as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions to form a curvature greater than 90 degrees, as opposed to a single bent portion with a straight portion, is a more secure connection.

Regarding claim 41, Brown et al. does not disclose that the leg is bent about at least a portion of a bottom surface of the housing.

Anderson et al teaches a blade retaining clip which is bent about at least a portion of the bottom surface, as seen in figures 1, 5, and 9.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs bend around a portion of the bottom surface as taught by Anderson, so that the clip is more secure. The motivation to combine is that having a bent portion as opposed to a straight portion is a more secure connection.

Regarding claim 42, Brown et al meets all the limitations of the claim except that the clip be aluminum. Brown is silent as to the composition of the clip, and does not teach away or prohibit the use of Aluminum, or any other material. Examiner took official notice that it is well known and notorious in the art to make razor clips from aluminum, because they will not rust in the previous office action dated 4/18/2006, and applicant has not traversed or otherwise objected to Examiner's notice. This constitutes an admission by applicant that it is known to make razor clips from aluminum.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify the clips by making them out of aluminum, since aluminum will not rust, which is important to a wet razor.

Furthermore, it has been held to be within the general skill of a worker in the art to select a known material on the basis of suitability for the intended use as a matter of obvious mechanical design expediency. *In re Leshin*, 125 USPQ 416.

Regarding claim 43, Brown et al. further teaches a metal clip that was formed by crimping. Crimping is defined as pressing into folds or curves, which is how the clip 16 of Brown was formed.

Furthermore, the method of forming the device is not germane to the issue of patentability of the device itself. The limitation has been given patentable weight, as far as it infers structure in the clip.

In the office action dated 4/18/2006, Examiner took official notice that crimping is well known and notorious for making metal components. Applicant did not traverse this notice, and therefore is *considered to have admitted that crimping is a well known and notorious process*.

Regarding claims 85 and 87-89, the combination of Brown and Rozenkranc meets the limitations of these claims. The housings of Brown and Rozenkranc both have tops and bottoms, and when the trimming blade assembly is configured as in Rozenkranc, it defines a cutting region mounted along the rear edge of the bottom surface of the housing. (see the figures of Rozenkranc). The cutting blade also then is facing away from the top surface. (see figures 1 and 2A) Since the connection of Brown is by a clip having legs depending into apertures in the housing, it follows that the same method would be applied to the attachment of the obvious addition- the trimming blade of Rozenkranc in addition to the blade carrier of Brown. See also *In re Japikse*, 86 USPQ 70 which held that rearranging the parts of an invention involves only routine skill in the art.

5. Claims 22, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc in view of Anderson further in view of

Art Unit: 3724

Parmley as applied to claims 13-14, 16-21 and 30 above, and further in view of Rozenkranc (USPN 6,276,061).

Brown in view of Rozenkranc in view of Anderson does not disclose that the elastomeric member have fins.

Rozenkranc additionally teaches a razor with an elastomeric member having fins(6 figure 1).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown in view of Anderson by making the elastomeric member have fins as taught by Rozenkranc, to provide better skin stretching capabilities. The motivation to combine is that having an elastomer configured as fins will better stretch the skin, preparing it for a shaving operation.

Regarding claim 23, Brown teaches having the elastomeric member be longer than the blade edge, therefore if it were modified to be comprised of fins, the fins would be longer than the blades proximal to the blade edge.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown in view of Anderson by making the elastomeric member have fins extending the full length of the existing elastomeric member proximal to the blade edges as taught by Rozenkranc, to provide better skin stretching capabilities. The motivation to combine is that having an elastomer configured as fins will better stretch the skin, preparing it for a shaving operation.

Regarding claim 24, The combination of Brown et al. in view of Anderson in further view of Parmley in further view of Rozenkranc teaches having fin length

Art Unit: 3724

measured parallel to the blade axis vary from shortest farthest from the blades to longest proximal the edges of the blades. This is because Brown shows the elastomeric member being shortest where it is furthest from the blades and longest where it is proximal to the blades, and modifying Brown to provide it with elastomeric fins would automatically result in the claimed configuration of fins.

Response to Arguments

6. Applicant's arguments filed 3/14/2007 have been fully considered but they are not persuasive.

Regarding applicants allegation that, the combination of Brown with Rozenkranc is only made by impermissible hindsight , examiner disagrees. Applicant contends that *Brown alone* does not provide a motivation to modify as taught by Rozenkranc. This is not a requirement for making such a combination; the actual question being whether one of ordinary skill in the art at the time of the invention would have made the modification in view of the body of prior art (including both references, and all common sense that is afforded one of ordinary skill- See DyStarTextilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co., 80 USPQ2d 1641, 464 F.3d 1356 U.S. Court of Appeals Federal Circuit No. 06-1088 which states in pertinent part "In contrast to the characterization of some commentators, the suggestion test is not a rigid categorical rule. The motivation need not be found in the references sought to be combined, but may be found in any number of sources, including common knowledge, the prior art as

Art Unit: 3724

a whole, or the nature of the problem itself. *In re Dembiczak*, 175 F.3d 994, 999 [50 USPQ2d 1614] (Fed. Cir. 1999). As we explained in *Motorola, Inc. v. Interdigital Tech.*

Corp., 121 F.3d 1461, 1472 [43 USPQ2d 1481] (Fed. Cir. 1997), 'there is no requirement that the prior art contain an express suggestion to combine known elements to achieve the claimed invention. Rather, the suggestion to combine may come from the prior art, as filtered through the knowledge of one skilled in the art.' "

As seen in Brown there is clear and convincing evidence that the state of the art includes the motivation to provide multiple shaving surfaces, or shaving directions in the same razor head. Also, Rozenkranc clearly demonstrates that it is known to provide for a trimming blade assembly away from the surface that has the primary shaving surface. It is clear from Rozenkranc that this is an additional feature- one that is provided as an added benefit to a standard razor.

To say then, that there is no motivation to provide a trimming blade assembly as shown in Rozenkranc to *any other standard configuration of razor*, is incorrect. One of ordinary skill would be motivated by Rozenkranc, prima facie, since the addition or incorporation of an additional feature (that disclosed by Rozenkranc) is desirable.

Additional features make any product more marketable. It is known that one of ordinary skill in the art is fully capable of making changes to the position and configuration of known components of a razor, since it has been held that rearranging the parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding applicants allegation that, the blades of Brown “are intended for shaving; none are meant for trimming hair” , examiner disagrees. Shaving *is* trimming hair. No definitions that would preclude this interpretation are currently present in the record, and as a matter of law, examiner must give all terms their broadest reasonable interpretation, since it has been held that “claims in a pending application should be given their broadest reasonable interpretation” consistent with the specification and prior art. In re Pearson , 181 USPQ 641 (CCPA 1974). Moreover, the replacement of one set of trimming blades (in Brown) for another (Rozenkranc), or the mere addition of the trimming blade of Rozenkranc (as in – not replacing the blades of Brown) meets the limitations that are set forth. The purported lack of a trimming blade in Brown cannot impart patentability since Rozenkranc supplies that which Brown allegedly lacks. In fact the current broad recitation “trimming blade” does not preclude Brown, it is the mere addition of the limitation that the shaving blades are *on a surface facing away from a user* when the trimming blade is in use.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

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SMM



KENNETH E. PETERSON
PRIMARY EXAMINER